REMARKS

Introduction

Claims 1, 3-6, 8-11, 23, 24, 26-29, 39 and 40-44 are pending, of which claims 1, 23, 26, 40, 41 and 44 are independent. Claim 7 has been cancelled and claims 41-44 have been added. New independent claim 44 is a substitute for cancelled claim 7.

The Non-Final Rejection – All Of The Rejections Are Obviousness Rejections

The Examiner rejected claims 1, 3-7, 10, 23, 39, and 40 under 35 U.S.C. §103(a) as being obvious given U.S. Patent No. 5,280,527 to Gullman ("Gullman") in view of U.S. Patent No. 6,792,083 to Dams et al. ("Dams").

The Examiner rejected claims 26-29 under 35 U.S.C. §103(a) as being obvious given Gullman in view of a combination of Dams and U.S. Patent No. 6,161,005 to Pinzon ("Pinzon").

The Examiner rejected claims 1, 3-8, 10, 11, 23, 24, 39, and 40 under 35 U.S.C. §103(a) as being obvious given U.S. Published Application No. 2003/0018478 to Mays ("Mays") in view of a combination of Dams and Gullman.

Applicants respectfully submit that the amended claims overcome the above rejections for the reasons discussed below.

The Gullman and Dams References

Gullman

The Examiner has cited Gullman as his primary reference and has stated that Gullman discloses (a) a security device; (b) a control apparatus responsive to security codes; and (c) a voiceprint/speech activated controller unit (i.e. security code source unit 14) communicating a token.

The Examiner conceded that Gullman does not disclose a speaker dependent voice analysis of a first received voice signal and second independent voice analysis for analyzing a second voice signal. However, the Examiner stated that that such features are disclosed in Dams and that it would have been obvious to a person of ordinary skill

in the art at the time of the invention to combine the teachings of Gullman and Dams in the direction of claims 1, 3-7, 10, 23, 39, and 40.

Gullman states that he identifies a user through a variety of methods that detect characteristics of a user which are "personal and substantially invariant." See column 5, lines 41 to 54 of Gullman. This is a biometric identification of a user and could be the identification of the user through speaker identification. This is different from recognizing a voice and authorizing a password by virtue of an apparatus recognizing a voice and a password. In the latter, the speaker is not identified as a specific person, only the password and voice is recognized. Speaker identification requires the recognition of large speech patterns relative to the recognition of a voice and a password. Voice recognition is easier and cheaper to effect. After Gullman identifies the individual user, he generates a token requires the user to input the token to effect an action. Column 4, lines 11-13 of Gullman. Gullman does not suggest recognition of a voice and password with *a speaker dependent voice analysis of a first received voice signal (the password) to automatically effect transmission of coded signals, and if the voice is not recognized, the automatic activation of a speaker independent voice analysis of a second received voice signal (the pass code,) the second signal being different from the first signal.*

Even a brief comparison of Gullman with the claims shows that -

- The claims do not require a token or the user to input a token;

- Gullman does not suggest the analysis of a second voice signal;

- Gullman does not suggest recognition of a pass code after a failure to recognize a voice or password; and

- Gullman is using speaker identification through biometric voice analysis, not voice recognition analysis to recognize a password.

Dams

Dams does not make up for the deficiencies of Gullman. The Examiner has argued that FIG. 3 and Col. 4, lines 20-28 of Dams specify an apparatus in which a speaker dependent voice analysis arrangement analyzes a first received voice signal and a speaker independent voice analysis arrangement which is activated to analyze a second received voice signal when the

speaker dependent voice arrangement fails to identify the first received voice signal. Figure 3 of Dams is set forth below.
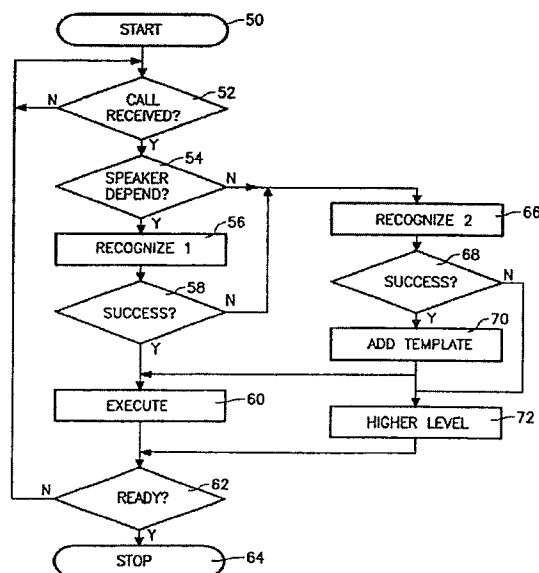

FIG. 3

Applicants disagree with the Examiner's characterization of Dams. Referring to FIG. 3 and Col. 4, lines 13-28, applicants note that Dams discloses speaker-dependent recognition activity in block 56 and speaker-independent recognition activity in block 66. If Dams' speaker dependent system fails at step 54, the **same** voice signal is tested at step 66 using a voice independent analysis. But the mere presence of speaker dependent analysis and speaker independent analysis does not render the applicants' claims obvious. It is clear that Dams uses the same voice signal for both his speaker dependent and speaker independent analysis.

In Dams, if the outcome at step 66 is positive, the speech so recognized yields an added template for subsequent use at step 54 for speech dependent recognition. If there is another failure at step 66, Dams then requires the user to respond to a question. Assuming for the sake of argument that the answer to this question can be viewed as a "passcode," this only occurs after the further analysis that follows the speaker dependent based failure at step 54 (i.e. the use and failure of the speaker independent activity at step 66). Dams does not **contemplate** *immediately and automatically, without any further analysis of the voice dependent utterance,* going into a voice independent mode where a passcode is utilized by an analysis of a second voice signal different from the first voice signal.

The Combination Of Dams Plus Gullman Does Not Render The Claims Obvious

Dams seeks to rehabilitate a failed speaker dependent analysis of a first utterance with a voice independent analysis to ascertain if that first utterance is sufficiently close to a stored set of traits to justify permitting a call from a set of restricted user group. If it there is a close match, the call is permitted and the utterance is added to the template for future use at step 56. This is neither the problem addressed by applicants, nor applicants' suggested solution. In applicants' system, if there is a failure of a voice dependent analysis, the system goes directly into a voice independent passcode mode.

Moreover, applicants respectfully submit that Gullman's speaker identification method does not combine with Dams' voice recognition method and improving the voice recognition template. After going through the trouble of entering all the data sufficient to identify an individual speaker, there would be no motivation for improving Dams voice recognition method at step 54 by constantly improving that template.

Accordingly, claim 1 and claims 3-6 and 39 depending therefrom, distinguish over Gullman in combination with Dams. Independent claims 10, 23, 26, 40, 41 and 44 contain distinguishing limitations similar to those of claim 1 and therefore also distinguish over Gullman in combination with Dams for reasons similar to those discussed above with respect to claim 1.

Thus, applicants respectfully submit that the rejection of the claims under 35 U.S.C. §103(a) given Gullman in view of Dams should be withdrawn.

The Pinzon Reference Cited For Its Use Of A Motor In Combination With Gullman and Dams Does Not Render The Claims Obvious.

The Examiner cited Pinzon for its disclosure of a motor in operating a barrier operator. There are lots of barrier operators that have motors. There truly is no motivation to combine a random reference showing a barrier operator with a motor with Gullman and Dams. Gullman forces a user to input a token and Dams requires an analysis of an utterance after the failure of a voice dependent analysis of an utterance. The combination of Pinzon, Gullman and Dams does not suggest *immediately and automatically, without any further analysis of the voice*

dependent utterance, going into a voice independent mode where a passcode is utilized by an analysis of a second received voice signal different from the first received voice signal.

Accordingly, the pending claims patentably distinguish over Gullman in combination with Dams and Pinzon

The Mays Reference Cited For Its Use Of Speaker Dependent Voice Recognition In Combination With Gullman and Dams Does Not Render The Claims Obvious.

The Examiner states that Mays discloses a speech activatable door operator system comprising (a) a barrier or door; (b) a base controller responsive to security codes; and (c) a speech activated controller unit having a voice analysis apparatus. The Examiner admits that Mays fails to disclose "the speaker independent voice analysis arrangement being activated when the speaker dependent voice arrangement fails to identify a received voice signal." To partially bridge the difference between the claims and Mays (partially because the Examiner also needs Gullman for a user interaction with a security code unit), the Examiner cites Dams and asserts that such features are conventional.

The Examiner stated that a feature combining dependent and independent voice analysis is disclosed by Dams. As discussed above, Dams does not disclose such features as claimed because in Dams in the first instance *there is only one voice signal that is analyzed.* If it is assumed a passcode is used in Dams through a question, that event only occurs after further analysis after the failure at step 54 and a second failure at steps 66 and 68 upon which event the passcode is effected at step 72. As noted above, Dams does not **contemplate** *immediately and automatically, without any further analysis of the voice dependent utterance,* going into a voice independent mode where a passcode is utilized by an analysis of a second voice signal different from the first voice signal.

The Examiner also admits that the combination of Mays and Dams fails to disclose a security code including a portion representing user interaction with the security code source unit. However, the Examiner stated that such feature was taught by Gullman and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Mays, Dams, and Gullman render obvious claims 1, 3-8, 10, 11, 23, 24, 39, and 40.

As discussed above, claim 1 distinguishes over a combination of Gullman Dams and Mays because the combination does not **contemplate** *immediately and automatically, without any further analysis of the voice dependent utterance,* going into a voice independent mode where a passcode is utilized by an analysis of a second received voice signal different from the first received voice signal.

Mays merely describes a system in which "a speech activation unit 53 may be programmed to recognize a predetermined number of words in a speaker dependent *or* speaker independent mode." [Mays, Para.20] Consequently, a combination of Mays, Dams, and Gullman does not suggest *a speaker dependent voice analysis for analyzing a first received voice signal and a speaker independent voice analysis for analyzing a second received voice signal being different from the first received voice signal,* where the speaker independent voice analysis is automatically activated to analyze the second voice signal when the speaker dependent voice means fails to identify the first received voice signal. Moreover, *there is no motivation to combine Gullmann with its biometric identification of a user through voice, as opposed to Mays and Dams' recognition of words with voice recognition software.*

Applicants respectfully submit that the pending claims patentably distinguish over the combination of Mays in view of a combination of Dams and Gullman should be withdrawn.

Conclusion

For the above-mentioned reasons, the applicants respectfully request reconsideration and allowance of the pending claims. The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: April 28, 2008   By: _____
                                        Timothy E. Levstik
                                        Registration No. 30,192

120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone (312) 577-7000
Facsimile (312) 577-7007